REMARKS

The claims were rejected over the patent to Miyake. The claims have been amended to call for the formation of a metal silicide to correct for defects.

It is postulated that because Miyake causes heating of 100 to 300°C that a metal silicide would be formed. But this assumes that both the metal and the silicon are both heated. This does not appear to be the case. In other words, Miyake teaches alternating layers of silicon and metal, indicated as 2A and 2B. However, his technique involves heating only one of those layers so that only one layer changes its dimensions. That is, Miyake provides such localized heating that he can heat one of the metal or silicon layers and not the other.

This is explicitly explained by Miyake at column 3, lines 54-59, where he indicates that the portion 2A had its film thickness changed, but the portion 2B was not changed. This indicates that the adjacent layer 2B was not heated sufficiently to change its dimensions. Thus, there is no reason to believe that the interface between the two layers was heated sufficiently to form a silicide.

In order to make out a rejection based on inherency, the result must be necessarily inhere in the reference. See M.P.E.P. § 2112. Here, that cannot be said because of the deliberate intent to heat only one layer and not the other. Given that situation, there is no reason to believe that a silicide is formed which would require heating of both the metal and the silicon layers.

Therefore, reconsideration of the rejection based on Miyake is requested.

A Terminal Disclaimer is attached to overcome the rejection based on the prior patent to Yan.

In view of these remarks, the application should now be in condition for allowance and the Examiner's prompt action is respectfully requested.

Respectfully submitted,

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